



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3012935
Applicant Name: Brian Dixon for Seattle Housing Authority
Address of Proposal: 4561 M L King Jr. Way South

SUMMARY OF PROPOSED ACTION

Land Use Application for the remedial excavation of 1,500 cubic yards of petroleum contaminated soil replaced with 1,500 cubic yards of clean structural fill for a total of 3,000 cubic yards of grading.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading, or demolition,
 or another agency with jurisdiction.*

* Early Notice DNS published January 12, 2012

BACKGROUND DATA

Site Description

This proposal site is located at the northwest corner of M L King Jr. Way S at S Alaska St. The site is relatively flat. The site is within a Neighborhood Commercial One zone with a maximum height limit of forty feet (NC1-40) and is in the Edmunds Station overlay.

Proposal

The applicant proposes to grade 1,500 cubic yards for soil remediation. Impacted soil will be removed from the southeasterly area of the property. The proposal is to remediate accessible soil contamination by excavation. Excavated contaminated soil will be taken off site. Non-contaminated soil will be brought in and used as backfill material. The completed excavation will be backfilled to restore existing grade.

Public Comments

The public comment period for this project ended on January 25, 2012. There were no public comments on this proposal.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 8, 2011. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant and reviewed the project plans and any additional information in the project file. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during grading activities; increased traffic and demand for parking from soils hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources, increased production of greenhouse gases due to operation of equipment powered by internal combustion engines.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The proposal includes excavation of soils for soils remediation. The applicant estimates approximately 1,500 cubic yards of excavation. Contaminated material to be disposed of must be deposited in an approved site. The Stormwater, Grading and Drainage Control Code regulates site excavation and requires that soil erosion control techniques be initiated for the duration of work. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Air Quality - The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Compliance with PSCAA regulations will mitigate the potential adverse short term impacts to air.

Grading - Earth/Soils - Any additional information required to show conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of a grading permit. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic - Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is on and near several major arterials. Traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.

Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential; and stability of the site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are:

Stormwater, Grading and Drainage Control Code which requires proper handling of stormwater. Compliance with all other applicable codes and ordinances is adequate to

achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS – SEPA

none

Signature: (signature on file)
Jerry Suder, Land Use Planner, Supervisor
Department of Planning and Development

Date: February 16, 2012